

Rules of Procedure  
for the  
Martin County Board of  
County Commissioners



# BOARD DIRECTED POLICY

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# BOARD DIRECTED POLICY

**To:** BCC Employees

**From:** Taryn Kryzda, County Administrator

**Subject:** Rules of Procedure for the Martin County Board of County Commissioners - Revised

**Effective Date:** 11/20/2018

**Created by:** Administration/County Attorney

**BCC Meeting:** 11/20/2018

**Agenda #:** 18-0685

**Item #:** PROC-1

## PURPOSE

This policy provides the Rules of Procedure to be used during Martin County Board of County Commissioners meetings.

## POLICY

It is the policy of the Martin County Board of County Commissioners to observe the rules and procedures set forth within this document.

## APPLICABILITY

This policy applies to all Board of County Commissioners meetings.

## DEFINITIONS

**Additional Agenda Item:** An Agenda Item that is "time sensitive" or "cost sensitive" to the County, and added to an Agenda after the deadline for agenda preparation for that meeting date.

**Agenda:** A list of items to be heard by the Board of County Commissioners.

**Agenda Discussion Request:** A written request from a Commissioner to the County Administrator for the purpose of: 1) Requesting a response to questions about a particular Agenda Item; 2) Requesting additional information to make a decision about a particular Agenda Item; and/or 3) Requesting an Agenda Item be moved (pulled) from the "Consent" portion of the Agenda for discussion.

**Agenda Item:** A proposition, presentation, hearing, or other matter to be considered, heard, or conducted by the Board during a meeting.

**Agenda Item Summary:** The standardized document created by County staff to present to the Board the information, analysis, recommendations, and background materials pertinent to an Agenda Item.

**Agenda Placement Number:** The number that is placed at the top, center of an Agenda Item Summary. This number is generated by the Agenda Coordinator when the Agenda is created.

**Board of County Commissioners:** The governing body of the County, which may also be referred to in this document as "Board."

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**County:** Martin County, a political subdivision of the State of Florida.

**Executive Session:** A private portion of a meeting of the Board with the County Administrator or his/her designee for collective bargaining discussions, pursuant to §447.605(1), Fla. Stat.

**Notice:** How the public is informed of Board meetings. All Board of County Commissioner meetings are noticed through the monthly Notice of Public Meetings which is released on the Wednesday before the last Sunday of each month. The Notice is sent in an email blast using Constant Contact. Each meeting is posted on the County's website under Events, and a paper Notice is posted in the display case on the first floor of the Administration building. If a meeting doesn't make the monthly release, the Notice is posted on the County's website under Events and posted in the display case as soon as possible.

**Politicking:** Advocating the election or defeat of a candidate for public office, either partisan or non-partisan, under the following conditions:\*

- The use of words, dates, signs, props and/or wearing apparel that convey a message of express advocacy for a person or group of persons. (i.e. "Vote for...", "Re-elect...", "Support the 'political party' nominee," "Cast your ballot for...", "Defeat...", "Reject the incumbent," "Elect 'candidate(s)' in 2006," Defeat 'candidate(s)' in '04," etc.)
  - In the absence of words, dates, signs, props and/or wearing apparel, express advocacy is also considered to be present in a comment when, taken as a whole, can only be interpreted as advocating the election or defeat of one or more identified candidates.
- \* Taken in part from the Federal Election Commission on standards for special notices on political ads and solicitations.

**Private Attorney-Client Session:** A private portion of a meeting of the Board with its attorney(s) and the County Administrator to discuss settlement negotiations or strategy sessions related to litigation expenditures, pursuant to §286.011(8), Fla. Stat.

**Proclamations, Special Presentations and Legislative Affairs:** Documents of goodwill used to recognize a group, organization or event.

**Risk Management Program Session:** A private portion of a meeting of the Board conducted pursuant to the risk management program administered by the County and related solely to the evaluation of claims filed or to offers of compromise of claims filed, pursuant to §768.28(16)(c), Fla. Stat.

**Supplemental Memo:** A memo to the Board prepared by County staff to provide additional information concerning an Agenda Item or to respond to a Commissioner's question about an Agenda Item.

**Title:** A brief description of the general purpose of an Agenda Item.

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## PROCEDURE

### I. BOARD MEETINGS – GENERALLY

#### A. Open To The Public

All meetings of the Board, and of committees thereof, shall be open to the public in accordance with the Florida Government in the Sunshine Law, Article I, Section 24(b), Florida Constitution, and §286.011, Fla. Stat.

1. Exceptions to this requirement shall be those portions of meetings that are statutorily exempt, such as, but not limited to, Executive Sessions; Risk Management Program Sessions; and Attorney-Client Sessions. The Board shall follow all statutory requirements for exempt meetings.
2. Whenever seating capacity requirements of the Fire Code are met, entrance by the public to the Commission Chambers or other meeting rooms shall be limited.
3. All meetings of the Board, and of committees thereof, will be conducted in a public building.

#### B. Physical Presence of Commissioners

1. A Commissioner may be physically absent from a Board meeting but participate and vote in the meeting only when the following conditions exist:
  - a. The absent Commissioner is not needed for a quorum to be physically present at the meeting;
  - b. The absent Commissioner can hear the proceedings, and when appropriate equipment is available, can see the proceedings, for the entirety of the meeting;
  - c. The absent Commissioner can clearly be heard, and when the appropriate equipment is available, be seen, in the meeting room, for the entirety of the meeting;
  - d. The Commissioner is physically unable to attend the meeting and either:
    - (1) The Commissioner is undergoing medical treatment or experiencing physical infirmity; or
    - (2) An immediate family member (spouse, parent, child or sibling) is undergoing dramatic medical treatment or experiencing grave physical infirmity; and
  - e. The meeting is required by §200.065(2), Fla. Stat.
2. A Commissioner seeking to participate in a meeting of the Board who must be physically absent due to the conditions outlined above shall provide notice to the County Administrator in advance of such absence so that the installation of appropriate equipment can occur to enable that Commissioner to participate in that meeting. The County Administrator shall inform the other members of the Board of the planned absence.

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### C. Quorum

1. A quorum for the transaction of business by the Board consists of three (3) Commissioners.
2. During a Board meeting, Commissioners should remain in the Chambers at all times unless an extreme emergency or illness should occur. Commissioners present in a meeting should not absent themselves for a particular item.
3. In the event that a Commissioner is required to depart a Board meeting prior to adjournment and the departure causes a loss of quorum, no further official action can be taken until or unless a quorum is restored.

### D. Chair Responsibilities

The Chair presides at all meetings of the Board and is the designated representative of the Board for all Countywide ceremonial purposes. The Chair's responsibilities include:

1. Open the meeting at the appointed time, ascertain whether a quorum is present and, if so, call the meeting to order;
2. Set the Agenda, including announcing the Additional Agenda Items and Consent pulls;
3. Introduce each Agenda Item by stating the Agenda Placement Number (i.e. DEPT-1) and the Title;
4. If an Agenda Item is withdrawn, the Chair will state the Agenda Placement Number (i.e. DEPT-1), Title, and announce that it is being withdrawn. If the Agenda Item being withdrawn is a Public Hearing, state the Agenda Placement Number and Title, and solicit public comment before deeming the item withdrawn;
5. Recognize all Commissioners who seek the floor under correct procedure. All questions and comments are to be directed through the Chair;
6. Preserve order, call to order any Commissioner or member of the public who violates any of these procedures, and decide questions of order, subject to a majority vote on a motion to appeal the decision of the Chair;
7. Manage the meeting; including fair and efficient use of time and encouraging public participation throughout the meeting;
8. Expedite business in every way compatible with the rights of Commissioners;
9. Remain objective. If the Chair desires to make a motion, relinquish the governance of the meeting temporarily ("pass the gavel") to the Vice-Chair,

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until the proposition or matter which is the subject of the motion is concluded;

10. Call the question and announce the outcome of the vote of the Board on every motion specifying by name those who voted in the minority; and
11. Declare the meeting adjourned at the conclusion of the Agenda, or at any time in the event of an emergency affecting the safety of those present.

### **E. Rules Of Debate**

A Commissioner desiring to speak should address the Chair and, upon being recognized by the Chair to speak, should address his or her remarks and inquiries to the question under debate.

1. When a motion is made and seconded, it is under consideration and no other motion shall be received thereafter, except: (a) to continue to a date certain, (b) to substitute, (c) to amend until the question is decided, or (d) to call the question. These motions listed in this paragraph shall have preference in the order in which they are listed.
2. A Commissioner recognized by the Chair to speak should not be interrupted when speaking unless to call said Commissioner to order. In such an event, the Commissioner should cease speaking until the question of order is determined, without debate, by the Chair. If in order, the Commissioner may continue speaking.
3. If the Chair wishes to make or second a motion, the Chair shall relinquish the duties of the Chair to the Vice Chair until the motion which the Chair made or seconded has been resolved by the Board.
4. A Commissioner shall be deemed to have yielded the floor when the Commissioner has finished speaking.
5. A Commissioner should be respectful of members of the public, County staff, and other Commissioners and should refrain from engaging in any politicking, personal attacks, abusive or insulting language and redundancy.

### **F. Motions**

A motion is a proposal that the Board (1) take certain action; (2) direct that a specific action be taken on behalf of the County; or (3) express itself as holding certain views. A motion should be seconded before debate. The Chair may allow the meeting to proceed without waiting for a second. A motion must have a second before being considered for a vote by the Board. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

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### G. Voting

1. A Commissioner who is present at a meeting of the Board at which an official decision, ruling or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling or act; and a vote shall be recorded for each Commissioner present, except when, with respect to any such Commissioner, there is, or appears to be, a possible conflict of interest under Florida law. (See §286.012, Fla. Stat.)
2. The votes during all Board meetings should be transacted as follows:
  - a. All votes with the exception of Board and Committee Appointments, shall be taken by voice. At the request of any Commissioner, a roll call vote shall be taken by the Chair. Board and Committee Appointments may be voted by ballot and the results read into the record. The ballots shall be provided to the Deputy Clerk and incorporated into the minutes as an exhibit.
  - b. Every Commissioner, who is present for the meeting when the question is put, must give their vote, unless the Commissioner has publicly stated that he or she is abstaining from voting due to a conflict of interest.
  - c. The passage of any motion shall require the affirmative vote of a majority of the Commissioners who are present and eligible to vote on the motion, unless a greater number is required by Florida law or the County's Comprehensive Growth Management Plan or the County's Code of Ordinances. In case of a tie in votes on any motion, the motion fails.
  - d. Any Commissioner shall have the right to express dissent from or protests against any ordinance, resolution or policy of the Board.
  - e. A Commissioner abstaining from voting due to a conflict shall announce the conflict prior to discussion on the matter and within fifteen (15) days following that Board meeting, shall file with the Deputy Clerk a Form 8B which describes the nature of the interest in the matter. The Form 8B shall be received by the Deputy Clerk and incorporated into the meeting minutes as an exhibit.

### H. Reconsideration of Vote

1. A motion to reconsider a vote of the Board may be made at the same meeting or the next regular meeting held thereafter provided the next meeting is not more than thirty (30) days after the meeting at which the original vote occurred. A motion to reconsider may be made only by a Commissioner who voted on the prevailing side of the original vote or who was absent from the meeting when the original vote occurred. If the question resulted in a tie vote, any Commissioner may make the motion to reconsider. Any Commissioner may second a motion to reconsider. The Board may debate the motion to reconsider but may not debate the



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vote to be reconsidered unless and until it comes back before the Board for reconsideration.

2. A majority vote to reconsider will have the effect of suspending all action that the original vote would have required until the reconsideration is acted upon by the Board at a subsequent meeting which should be specified at the time the motion to reconsider is made.

3. If the motion to reconsider is not supported by majority vote, it cannot be repeated except by consent of the Board.

4. If the vote to be reconsidered required particular notice, such notice is also required before the reconsideration can be acted upon.

5. No matter may be reconsidered more than once.

### **I. Required Attendance Of Officials**

The County Administrator and County Attorney, or their designees, shall attend all meetings of the Board unless excused from attendance by the Chair or a majority of the Board. A Deputy Clerk designated by the Clerk of the Circuit Court and Comptroller shall attend all meetings of the Board. A Deputy Sheriff assigned by the Martin County Sheriff shall attend all meetings of the Board to provide security and assist in maintaining order unless excused from attending by the Chair or a majority of the Board.

### **J. Appearance Before The Commission**

1. The Board recognizes the importance of protecting the rights of all citizens to express their opinions on the policies and operation of County government and encourages participation in the local government process by members of the public. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in an efficient and effective manner.

2. Members of the public are provided two opportunities to address the Board. The first is to address the Board regarding items appearing on the Agenda for that meeting. These comments will be made during a time of the Chair's choosing during the time period in which that Agenda Item is before the Board and be limited to the Agenda Item under consideration. The second opportunity is during the Public Comment portion of the meeting at which time members of the public may bring forward County issues of concern that are not on the Board Agenda for that meeting. The Chair may permit a member of the public to address an Agenda Item during the Public Comment portion of the meeting if there exists a hardship and a member of the public is not able to appear before the Board when the Agenda Item they wish to comment on is being discussed. Generally, public comment from an individual on a single matter will be limited to one comment opportunity per meeting.

3. Except as provided in this paragraph, before the Board takes official action on a proposition, members of the public shall be given a reasonable opportunity to

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be heard on that proposition. The Board is not required to give members of the public an opportunity to be heard on a proposition under the following circumstances (see §286.0114(3), Fla. Stat.):

- a. When an official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if providing an opportunity to be heard would cause an unreasonable delay in the ability of the Board to act; or
  - b. When an official act of the Board involves no more than a ministerial act including, but not limited to, approval of the agenda, approval of the minutes, and ceremonial proclamations; or
  - c. When an Agenda Item or portion of a meeting is exempt from public observation or participation pursuant to §286.011, Fla. Stat., including, but not limited to, Attorney-Client Sessions, Executive Sessions, and Risk Management Program Sessions.
4. The following rules govern the public's opportunities to be heard at all meetings of the Board.
- a. Request to Speak Forms will be provided at all meetings of the Board. A member of the public who wants to address the Board must complete a Request to Speak Form and submit it to the Deputy Clerk, or to the Deputy Sheriff if one is present, prior to being recognized by the Chair to address the Board. A member of the public may be allowed to address the Board prior to completing a Request to Speak form, at the discretion of the Chair, but must complete and submit a Request to Speak Form afterwards.
  - b. After being recognized by the Chair, the member of the public should:
    - (1) Step up to the lectern or microphone and state her or his name;
    - (2) Address the Board in a concise manner with comments that are relevant:
      - (a) to the proposition under consideration if commenting on an Agenda Item; or
      - (b) to the matter of County relevance the member of the public wants the Board to consider if comments are during the Public Comment portion of a Board meeting and not related to an Agenda Item;
    - (3) Present any data or evidence that the member of the public wants the Board to consider;
    - (4) Refrain from engaging in any politicking, personal attacks, abusive or insulting language and redundancy; and
    - (5) Be respectful of other members of the public, County Staff, and the Commissioners.

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- c. Ordinarily, an individual member of the public will be allowed three (3) minutes to be heard on a proposition and for general comments during the Public Comment portion of a Board meeting. Additional time may be granted by the Chair, subject to the consent of the majority of the Board. The County Administrator shall act as the timekeeper. A warning buzzer will be sounded to advise the speaker that his or her time is about to expire. A second warning buzzer will sound to signal the conclusion of that speaker's time allotment, at which time the speaker should return to the audience. The County Administrator may inform the speaker that his or her time has expired.
- d. No specified period of time shall be designated for public comment unless the Board meeting must be concluded by a certain time due to commitments of the Commissioners which will result in the loss of a quorum or some other event occurs which requires termination of the Board meeting. If known, the time the Board meeting must conclude shall be announced at the beginning of the Board meeting.
- e. The opportunity to be heard on a proposition need not occur at the same meeting at which the Board takes official action on that proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the Board meeting at which the Board takes official action.
- f. Any visual material including but not limited to photographs, diagrams, DVDs, CDs, or other media to be shown to the Board during a speaker's comments must be submitted for review by the County Administrator or a designee two business days prior to the meeting at which the material is to be shown, unless otherwise approved by the County Administrator.
- g. The Board may refer any comments made by a member of the public to a committee or the County Administrator for review and comment, question the speaker, or take any other appropriate action.
- h. No person, other than a Commissioner, may enter into any discussion with a member of the public who is addressing the Board, either directly or through a Commissioner, without permission of the Chair.
- i. No person may interfere with or interrupt the orderly procedure of the Board, any Commissioner, or the person speaking who has been properly recognized by the Chair to address the Board. Nor shall any person harass or otherwise disturb any other person attending the Board meeting.
- j. If the Chair or a majority of the Board by consensus declares that an individual has violated any of these policies, that person may be requested to cease speaking to the Board and either be seated or leave the Board meeting. If the person does not comply with such a request and is then

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warned to depart the premises and refuses to do so, the person may be subject to arrest for committing the offense of trespass in a structure, in violation of Section 810.08(1), Fla .Stat.

### **K. Minutes**

The Deputy Clerk shall make correct minutes of the proceedings of each Regular and Emergency Meeting. Minutes are approved under the Consent portion of a Regular Meeting Agenda unless a Commissioner pulls the item for discussion. The minutes of prior meetings may be approved by a majority of the Commissioners present at the meeting at which the minutes are considered for approval, and upon such approval shall become the official minutes.

Unless a reading of the minutes of a meeting is requested by a majority consensus of the Board, such minutes, when approved by the Board on the Consent portion of an Agenda and signed by the Chair and the Deputy Clerk, shall be considered approved without reading; provided, that the Deputy Clerk delivers a copy thereof to each Commissioner and to the County Attorney when the Agenda is published.

## **II. BOARD MEETINGS – ANNUAL ORGANIZATION MEETING**

Organization of the Board of County Commissioners takes place each year at the second Regular Meeting in November. In an election year, organization takes place on the second Tuesday following election day.

### **A. Officers**

#### **1. Chair**

- a. In addition to the powers conferred upon the Chair, the Chair is also a Commissioner and continues to have all the rights, privileges and immunities of a Commissioner.
- b. All documents approved by the Board shall be executed by the Chair or other approved signatory as adopted by Resolution of the Board at its Annual Organization Meeting.
- c. The duties of the Chair are set out in Section I.D. of this Policy.
- d. The Chair should work with the County Administrator to set the Agenda and keep the meetings moving forward following the Agenda.
- e. The Chair should act promptly to protect the equality of the Commissioners.
- f. The Chair should explain the "rules" before each public hearing so the audience knows what to do -- complete a Request to Speak Form, limit their comments to three (3) minutes, etc.
- g. The Chair should protect the rights of the minority.
- h. The Chair should strive to be sure every Commissioner has an equal opportunity to be heard -- to speak, ask questions, state their opinions, and propose motions.
- i. The Chair should make sure motions under consideration are precise and clear restating the motion, if necessary, so the Commissioners and public know what is under consideration.

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- j. If necessary, the Chair should assist Commissioners in wording a motion to make sure it is clear to everyone present.
- k. The Chair can stimulate discussion with questions to try and bring out all sides of an issue.

### **2. Vice-Chair**

- a. The Vice Chair continues to have all the rights, privileges and immunities of a Commissioner.
  
- b. In case of the absence or temporary disability of the Chair, the Vice-Chair serves as Chair during the absence or disability.

### **3. Parliamentarian**

The County Attorney or his or her designee serves as parliamentarian, and advises the Chair as to correct rules of procedure or questions of specific rule application. The parliamentarian calls to the attention of the Chair any error in the proceedings that may affect the substantive rights of any Commissioner or may otherwise do harm.

### **4. Sergeant-at-Arms**

The County Administrator shall be Sergeant-at-Arms of the Board meetings. The County Administrator shall be responsible to carry out all lawful orders and instructions given by the Board for the purpose of maintaining order at the Board meetings. The County Administrator may, with the consent of the Board, designate another County employee to serve as Sergeant-at-Arms for a particular meeting or portion of a meeting.

## **B. Elections**

- 1. During the Annual Organizational Meeting, the Board elects a Chair from among its Commissioners. The newly-elected Chair then assumes the gavel. The Chair shall be seated in the center seat of the dais, with the Vice-Chair seated immediately next to the Chair. All other Commissioners shall select their own seat from the remaining seats.
- 2. In conjunction with the above election, a Vice Chair is also elected in a like manner.
- 3. In case of the absence or temporary disability of the Chair and the Vice-Chair, an Acting Chair, selected by the remaining Commissioners, serves during the continuance of the absences or disabilities.
- 4. If a vacancy occurs in the Office of Chair or Vice Chair, the Commissioners, at their next Regular Meeting, shall select a Chair or Vice Chair, as necessary, from among their number for the unexpired term.

## **C. Appointments**

- 1. During the Annual Organization Meeting, the Board makes appointments to Boards and Councils which require Commissioner membership (see Exhibit A).

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2. During the Annual Organization Meeting, the Board makes District appointments to the Board of Zoning Adjustment and the Local Planning Agency.

### D. Other Business

During the Annual Organization Meeting, the Board also:

1. Approves the use of the prior Chair's signature plate for signing purposes until the new signature plate arrives.
2. Reviews, revises, if necessary, and adopts the Board's Rules of Procedure.
3. Approves a proposed schedule of Board meetings for the upcoming calendar year.
4. Approves the schedule of Board holidays for the upcoming calendar year.

## III. BOARD MEETINGS - SCHEDULING

### A. Regular

During Regular Meetings, the Board will hear all regular business including workshop-type items.

1. Regular Meetings of the Board are conducted at 9:00 am in the Martin County Administrative Center, 2401 SE Monterey Road, Stuart, Florida; unless noticed otherwise.
2. Regular Meetings will generally be held on Tuesday's as determined by the Board each year at the Annual Organization Meeting. There will be a meeting scheduled on the 5<sup>th</sup> Tuesday of a month only to accommodate a holiday schedule or other special circumstances.
3. From time-to-time, Regular Meetings may be adjusted or added by the Board, the County Administrator or the County Attorney to accommodate a holiday schedule or other special circumstances. Prior notice of such change shall be provided to the public, the Deputy Clerk, and the media. A minimum notice of twenty four (24) hours is required but greater notice will be attempted.

### B. Emergency

1. Emergency Meetings may be held on call of the Chair, any two (2) Commissioners, the County Administrator, or the County Attorney.
2. Emergency Meetings may be held for the purpose of discussing or resolving emergency issues such as natural disasters threatening the health, safety and welfare of Martin County citizens. In the event that a quorum does not exist, no official action may be taken.
3. The call for an Emergency Meeting shall be prepared in writing and shall contain the following information: time, place, and business to be transacted. No other business than that specified shall be transacted. Emergency Meetings may be held, whenever practicable, upon the most reasonable notice allowable under the circumstances.

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4. Each Commissioner, the Deputy Clerk, the County Administrator, and the County Attorney shall be given the most reasonable notice allowable under the circumstances. Such notice may be provided verbally, either in person or by telephone contact. If this means of contact is not achieved, a copy of the call for the Emergency Meeting may be delivered (which may be by facsimile or electronic mail transmission) to the person's residence, place of employment, or other location; whichever site is most likely to ensure the person's receipt of the notice.
5. The most reasonable notice allowable under the circumstances of the Emergency Meeting shall be provided to the business office of each local media organization.

### IV. Order Of Business For Board Meetings

The business of all Regular Meetings of the Board should be transacted as follows unless the Board, by majority consensus re-arranges Agenda Items on the agenda to more expeditiously conduct the business before the Board:

#### 1. Call To Order

The Chair begins a Regular Meeting by calling it to order.

- a. Invocation – when available, an invocation shall be offered consistent with the Board's policy for invocations. If no invocation is offered, a moment of silence will be held.
- b. Pledge of Allegiance – to be led by the Chair.
- c. Additional Items – any Additional Items are made available to the Board and the public by noon on Thursday before the meeting. If an Additional Item misses this deadline, paper copies are made available in the lobby of the Administration Building on the day of the meeting. The list of any Additional Items will be read aloud prior to the Board voting to accept the Agenda.
- d. Approval of Agenda – the Chair shall read aloud the list of any Preset Items, Additional Items and Items to be added or removed from the Agenda prior to the Board voting to approve the Agenda, Agenda Items may be heard in a different order than they appear on the Agenda.
- e. Approval of Consent Agenda – Prior to the vote on the motion to approve the Consent portion of the Agenda, the list of any Consent Agenda Items that have been pulled for discussion will be read aloud. A motion to approve the Consent portion of the Agenda will have the effect of adopting all items on the Consent portion of the Agenda except the items that were pulled. Consent Agenda Items that are pulled for discussion will be approved separately.

#### 2. Proclamations

- a. The Chair or a designee shall present a Proclamation to the requestor or recipient who will have up to three (3) minutes to speak.
- b. The number of proclamations presented during a Regular Meeting shall be limited to four (4) unless approved by the Chair.

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## **3. Comments**

### **a. Public – (9:05 am Preset)**

The members of the public shall be permitted time to address the Board on matters not on the Agenda. Public comment will be consistent with the rules for appearance before the Board as detailed herein. Politicking is prohibited during public comment.

### **b. Commissioners**

This time allotment shall be available for Commissioners to share announcements such as Town Meetings or other community events, suggest future Agenda Items or introduce an item of concern. Commissioners shall be permitted time to address public comment by providing responses or making inquiries of or providing direction to staff. Formal action may be taken on matters during Commissioner comments upon consent of a majority of the Board. Politicking is prohibited during Commissioner comments.

### **c. County Administrator**

This time allotment shall be available for the County Administrator to make any announcement as requested by a Commissioner or as he or she deems necessary.

## **4. Consent**

Agenda Items that were pulled from the Consent portion of the Agenda for discussion by the Board before a vote is taken.

## **5. Board and Committee Appointments**

Appointments to boards, committees, and task forces that are established by the Board Appointments shall be by ballot vote and read into the record during a Board meeting.

## **6. Public Hearings and Public Hearings Quasi-Judicial**

Public Hearings are conducted by the Board on matters as required by Florida law (e.g. adoption of an ordinance, consideration of a re-zoning or a zoning variance).

## **7. Requests and Presentations**

A request or presentation by a member of the public, another governmental agency or a non-governmental organization or entity that requires discussion by the Board shall be limited to no more than (15) minutes for presentation prior to questions from the Board. The provisions of general law and these Rules of Procedure shall govern whether prior notice of the request or presentation must be published. Upon conclusion of the request or presentation, the Board may take action. The number of requests and presentations during a Regular Meeting shall be limited to three (3).

## **8. Departmental and Departmental Quasi-Judicial**

Agenda Items from the various County departments that require discussion by the Board before a vote is taken.



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## 9. Workshop

Agenda Items from the various County departments that require discussion by the Board but no vote.

## 10. Commissioners

Agenda Items from a Commissioner that require discussion or action by the Board.

## 11. Public

The public has an opportunity to speak for up to three (3) minutes regarding items not appearing on the Agenda. To be heard at 5:05 pm or at the conclusion of the meeting, whichever occurs first. Politicking is prohibited during public comment.

## 12. Adjourn

No new items will be heard after 6:30 pm.

\*\* The above order of Agenda Items reflects how the Agenda will be published or appear on the County's web site. It does not reflect the order in which items will be heard during a course of a meeting.

## V. BOARD MEETINGS – CANCELLATION

On occasion a need may arise that requires the cancellation of a previously scheduled Board meeting. The Chair or two (2) Commissioners in lieu of the Chair after consultation with the County Administrator may exercise authority and cancel a Board meeting.

Each local media organization shall be notified of a Board meeting cancellation. The Notice of Cancellation is also posted on the County's website as well as the display case of the First Floor of the Administration Building.

## VI. AGENDA

### A. Preparation

The County Administrator is responsible for the preparation of the Agenda in consultation with the Chair, consistent with the Agenda Policy and Procedures Manual. The Chair, any Commissioner, or other Constitutional Officer may place an item on an Agenda. The County Administrator or County Attorney may also place an item on an Agenda.

Constitutional Officers who have access to the proper software may place an item on an Agenda by submitting a completed "Agenda Item Summary." Otherwise, they may submit a letter requesting an Agenda Item to the County Administrator by the applicable deadline.

### B. Continued Items

When an Agenda Item is "continued," it is continued to a date certain. No motion is required at the future Board meeting to hear the Agenda Item.

# BOARD DIRECTED POLICY

## C. Withdrawn Items

When an Agenda Item is withdrawn, it may or may not be brought back at a later day to the Board. If the Agenda Item is brought back at a future Board meeting, no motion is required to hear the Agenda Item.

## VII. MISCELLANEOUS

### A. Public Hearings

1. Public hearings are normally scheduled during Regular Meetings of the Board. Public Hearings will be heard in the order as they appear on the Agenda, unless otherwise noted or announced.
2. The procedures to be followed for public hearings are, generally, as follows:
  - a. The County Administrator or designee should describe the Agenda Item to be considered, including confirmation of any required notice, and provide the staff recommendation. The Chair should then inquire as to whether any Commissioners have questions for Administration.
  - b. After Commissioners' questions are answered, the Chair opens the public hearing. Public comment will be consistent with the rules for appearance before the Board as detailed herein. Politicking is prohibited during public comment.
  - c. Following public comment (if any), the Chair closes the public hearing and inquires if any Commissioner wishes to put forth a motion. Following the motion and its second, discussion occurs among Commissioners.
  - d. The Chair inquires if there is any further discussion by the Commissioners and any final comments or recommendations from Administration.
3. The Chair inquires of the Commissioners as to whether they are ready to vote.

### B. QUASI-JUDICIAL PUBLIC HEARINGS

Procedures for conducting quasi-judicial public hearings which include an opportunity for participation by the staff, the applicant, any intervenor, and members of the public are set forth in Sec. 10.7, Land Development Regulations, Martin County Code.

**Cautionary Note:** It is advisable that Commissioners refrain from commenting on any of the presentation, items, evidence, witness testimony, or otherwise, until the Chair concludes the quasi-judicial components of the meeting and the Board begins its deliberations. The Commissioners may and should ask questions of any witnesses.

### C. Procedures for Comprehensive Plan Amendment and Concurrent Rezoning:

1. Follow the public hearing procedures for the Comprehensive Plan Amendment ordinance.

## BOARD DIRECTED POLICY

2. If the Comprehensive Plan Amendment ordinance is approved, then follow the quasi-judicial public hearing procedures for the concurrent rezoning request.

### **D. Quasi-Judicial Appeal Procedures:**

1. Item introduction by Chair.
2. Ex parte disclosures by Board of County Commissioners.
3. Summary introduction of appeal by Staff.
4. Appellant presentation, by appellant, representative or counsel -- LIMITED TO MAXIMUM OF TWENTY (20) MINUTES.
5. Questions by Board of County Commissioners.
6. Staff presentation -- LIMITED TO MAXIMUM OF TWENTY (20) MINUTES.
7. Applicant presentation -- LIMITED TO MAXIMUM OF TWENTY (20) MINUTES.
8. Questions by Board of County Commissioners.
9. Board of County Commissioners' deliberation/decision.

### **E. Insurance Claims Settlement Procedures**

1. Upon approval of a settlement for more than \$5,000 by the Governing Board of TRICO, the Governing Board will transmit a report to Martin County. The report will identify the following:
  - a. The name of the claimant.
  - b. The claim number, and court case style and number of the claim.
  - c. The nature of the claim by type, e.g., automobile negligence, slip and fall, act or omission on an operational level matter, etc.
  - d. A description of the essential facts of the case that are relevant to the settlement.
  - e. The settlement amount.
2. The County Administrator or his or her designee will prepare a report for the Board. The report may be in the form of a standard Agenda Item. The report shall include the TRICO report as an attachment.
3. The settlement shall be identified on the Board Agenda with the title "TRICO Settlement" and the name of the case. More than one settlement may be included under this item so long as each is separately identified on the Agenda and separately described in the report.
4. The settlement item shall be a Public Hearing item on a duly noticed Regular Board Meeting. The Agenda and the report shall be available to the public.

## BOARD DIRECTED POLICY

5. Any person, including the Commissioners and any member of the public, may comment on the settlement item. At the close of receiving such comments, if any, the Board may proceed to the next item of business.
6. After the meeting, the County shall notify TRICO that the Board has completed this procedure. TRICO may proceed to finalize the settlement.
7. The report and all other records presented before the Board which pertain to the settlement shall be placed in the permanent records of the Board.
8. This procedure may be waived in an emergency at a public meeting subject to §286.011, Fla. Stat., if the reasons for which an emergency exists which preclude the holding of a public hearing on the settlement are recorded in the Board's minutes.

### SUSPENSION AND CONSTRUCTION OF RULES

These rules may be amended or temporarily suspended at any meeting of the Board with an affirmative vote of a majority of the Board. These rules are for the efficient and orderly conduct of Board business only; no violation of such rules shall invalidate any action of the Board when approved by a majority vote required by law.

These rules and procedures will be reviewed and if applicable, adopted or readopted at the Annual Organization Meeting or as soon thereafter as practicable.

DDonaldson for TK 11/21/2018

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Taryn Kryzda, County Administrator

#### **Suppression History:**

POL202 – January 23, 2018  
POL198 – November 28, 2017  
POL131 – March 2013  
POL111 – November 22, 2011  
POL85 – November 16, 2010  
POL72 – November 17, 2009  
POL49 – November 3, 2009

POL42 – November 13, 2007  
POL26 – November 21, 2006  
POL2 – November 29, 2005  
cwd05o.001 – November 16, 2004  
cwd04o.002 – November 18, 2003  
cwd03o.003 – November 19, 2002  
cwd02o.002 – November 27, 2001  
cwd01o.003 – November 21, 2000

# BOARD DIRECTED POLICY

## EXHIBIT A

2016/17 COMMISSION REPRESENTATION	Dist 1 Smith	Dist 2 Fielding	Dist 3 Jenkins	Dist 4 Heard	Dist 5 Ciampi
Airport Noise Advisory Committee				■	
The Arts Council, Inc.	■				
Business Development Board			■		
Canvassing Board (Chair & Substitute)			■ alt		■
Children's Services Council of Martin County		■ alt		■	
Circuit 19 Juvenile Justice Board (fka Juvenile Justice Council)	Taryn Kryzda, County Administrator, will represent the BCC.				
Continuing Florida Aviation System Planning Process Steering Committee	George Stokus, Airport Manager, will represent the BCC.				
County Coalition for Responsible Management of Lake Okeechobee, St. Lucie & Caloosahatchee Estuaries, and Lake Worth Lagoon	■			■ alt	
County Health Care Review Board (2 members)		■			■
Drug and Alcohol Abuse Awareness Committee	Anita Cocoves, Health & Human Services Manager, will represent the BCC.				
Indian River Lagoon Council	■ alt	■			
Indiantown Community Trust Fund Special Advisory Committee			■		
Internal Audit Planning and Priority Committee		■			
Law Library Committee (Appointed ever 2 years – expires 11/18)				■ alt	■
Land Acquisition Selection Committee					
Loxahatchee Council of Governments			■		
Loxahatchee River Management Coordinating Council			■		
Metropolitan Planning Organization (4 members – Districts 1 & 3 must)	■		■	■	■
Pal Mar Water Control District Board of Supervisors			■ alt	■	
Public Safety Coordinating Council (Chair or Designee)				■ alt	■
Small County Coalition (Chair & Vice Chair or designees)	■				■ alt
Tourist Development Council	■				
Treasure Coast Community Action Agency Advisory Board	Leslie Daly, Health & Human Services Business Coordinator, will represent the BCC.				
Treasure Coast Council of Local Governments	■ alt	■ alt	■		
Treasure Coast Regional Planning Council (2 members & 2 alternates)	■	■	■ alt		■ alt
Treasure Coast Workforce Consortium (Chair or Designee)	■				
Value Adjustment Board (2 members & 2 alternates)	■	■ alt	■ alt	■	■ alt

Approved by the BCC on 11/22/16